(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

MISC. CIVIL APPLICATION NO.21 of 2004 IN FIRST APPEAL NO.123/03

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Ms. A. Salkar, Advocate for the applicants.

Mr. P.A. Kamat, Govt. Advocate for the respondents.

CORAM : N.N. MHATRE &
P.V. HARDAS, JJ.

DATE : FEBRUARY 09, 2004.

P.C.:

Heard Miss Salkar, learned Counsel appearing on behalf of the applicants and Mr. P.A. Kamat, learned Govt. Advocate on behalf of the respondents. The respondents herein, in pursuance of the order of this Court, have deposited the decretal amount in this Court. This is an application by the applicants/original respondents for permission to withdraw 50 % of the amount deposited by the respondents/original appellants.

Looking to the challenge in the first appeal as well as the grounds stated in the application, according to us, the applicants herein should be permitted to withdraw 50 % of the amount deposited in this Court. Accordingly, this application is allowed. The applicants are permitted to withdraw 50 % of the amount deposited in this Court on the applicants' furnishing a Bank Guarantee for the 50 % of the amount to be withdrawn and furnish a solvent surety for the remaining 50 % of the amount. The Bank Guarantee so furnished shall be kept alive by the applicants for a period of three months after the decision of the appeal. The applicants shall also furnish an undertaking to this Court before withdrawing the amount that the applicants shall redeposit the amount in this Court in the event the applicants are directed by this Court. The applicants shall also undertake to deposit the amount with interest at the rate which this

Court may direct.

2. On the above conditions, Misc. Civil Application No.21/2004 is allowed.

NISHITA MHATRE, J.

P.V. HARDAS, J.

ssm.